IN THE HIGH COURT OF UTTARANCHAL AT

NAINITAL

WRIT PETITION NO. 7375 (MS) OF 2001

(Old No. 3243/88)

The State of U.P., through Collector, Nainital. ...Petitioner.

Versus

1. District Judge, Nainital.
2. Puni Ram,
3. Prem Ram,
   respondents no. 2 and 3 Ss/o Shri Bhim Ram,
4. Gopal Ram, S/o Rev Ram,
   Respondents no. 2 to 4 R/o Village Seral Chaur Pargana Bhawar Kota Tehsil Kala Dungi, District Nainital.

.....Opp. Parties.

Dated: 07.07.2006

Hon'ble Rajesh Tandon, J.

Heard Counsel for both the parties.

By the present writ petition, the petitioner has prayed for a writ of Certiorari quashing the order dated 23.07.1987 passed by the respondent no.1.

Briefly stated, the proceedings under Section 4 of the Public Premises Act were initiated against the respondents no. 2 to 4.

The Prescribed authority has passed the order for eviction. The respondents no. 2 to 4 went in appeal. The appellate Court has recorded a finding that the extract of Khasra & Khatauni discloses that the appellants have obtained bhumidhari rights over the land in dispute. In view of the fact

that the title having vested with the respondents, the appeal was allowed.

In view of the above, the present proceedings under Section 4 of the U.P. Public Premises (Eviction of Unauthorized Occupants) Act is not maintainable.

Writ petition is dismissed. No order as to costs.

(Rajesh Tandon, J.)

07.07.2006

Rathour